

(2008) 11 AHC CK 0171

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 17110 of 2002

Union of India and others

APPELLANT

Vs

Pramod Kumar and others

RESPONDENT

Date of Decision : 11-11-2008

Acts Referred:

Citation : (2009) 120 FLR 587

Hon'ble Judges : Rakesh Sharma, J; Janardan Sahai, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Janardan Sahai and Rakesh Sahai, JJ.—The dispute relates to the appointment of Extra Departmental Delivery Agent in the Postal Department. It appears that Hari Sewak Prasad was selected by the Department as Extra Departmental Delivery Agent. His appointment was challenged by Pramod Kumar, who is respondent No. 1 in the present petition, before the Central Administrative Tribunal. The Central Administrative Tribunal allowed the claim petition of Pramod Kumar. Aggrieved by the order, the Union of India has filed this petition. It appears that Pramod Kumar had obtained 51.66% marks in High School and 84% marks in Junior High School whereas Hari Sewak Prasad had obtained 57.33% marks in High School and 57.23% marks in Junior High School.

The Department had taken the view that High School being the higher qualification, the marks obtained in the higher qualification, would be taken into account and, therefore, had given appointment to Hari Sewak Prasad. The Central Administrative Tribunal held that the essential required qualification was Junior High School and as such the marks obtained by the candidate in Junior High School were relevant and on that basis allowed the claim petition.

2. We have heard Sri N.P. Shukla, Standing counsel for the Union of India-petitioner in this case and Sri Awadhesh Singh, counsel for Pramod Kumar-respondent No. 1.

3. Standing counsel for the Union of India has relied upon a decision of the Apex Court in the case of Surender Singh v. Union of India and Others Civil Appeal No. 143 of 2001, decided on 30th March, 2007 in which the Apex Court has considered the relevant circulars and the criteria for appointment to the post of Extra Departmental Delivery Agent and has held that the marks obtained in the higher qualification, namely, High School were relevant marks.

4. In view of the decision of the Apex Court, the view taken by the Central Administrative Tribunal does not appear to be correct. We, accordingly, set aside the order of the Central Administrative Tribunal dated 24th January, 2002 and the claim petition is dismissed.

Writ petition is allowed.